

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

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RECEIVED
4 DEC 2006
Legal Staff
International Division

DATE: December 4, 2006

FROM: Kathleen D. Rigaut, Ph.D., J.D.

DELIVER TO: Erin Thompson- Fax number 571-273-0459

RE: U.S. Patent Application No. 10/564,260

Total Pages (including this cover) 21

Dear Ms Thompson: I am faxing over a copy of our response to the dismissal of our petition to revive the above-identified patent application to expedite a review of these papers. We have also submitted these papers through the electronic filing system at the USPTO.

Sincerely,
Kate Rigaut
Registration Number: 43,047

**IF THE ACCOMPANYING/ABOVE MESSAGE IS NOT RECEIVED PROPERLY,
PLEASE CALL (215) 563-4100 AND LEAVE A MESSAGE FOR THE OPERATOR
INDICATED ABOVE.**

Pat Appl No.: PCT/US01/13107

Request for Revival

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)	Examiner: n/a
)	
Brzustowicz, L.M. et al.)	Art Unit: n/a
)	
Serial No.: PCT/US01/13107)	
)	
Filed: April 23, 2001)	
)	
For: "METHODS AND COMPOSITIONS))	
FOR THE DIAGNOSIS OF)	
SCHIZOPHRENIA)	

SECOND RENEWED PETITION FOR REVIVAL OF AN INTERNATIONAL
APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(B)

Dear Sir:

The above-identified PCT application, having Serial No. PCT/US01/13107 (hereafter the '13107 application), became abandoned for failure to file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office. Applicants submit that the failure to file the national stage requirements was unintentional and until recently, it was the belief of the undersigned that the Application could not be revived. The undersigned was recently made aware of certain facts associated with this abandonment and now respectfully requests that the Application be revived for the reasons set forth herein below. A Second Declaration from Dr. Anne S. Bassett is attached hereto. Previously submitted Declarations of Mr. Vincent Smeraglia and Drs. Brzustowicz and Bassett are also provided herewith in support of the present petition.

The '13107 application was filed on April 23, 2001 and claims priority to U.S. provisional application Serial No. 60/198/987 which was filed on April 21, 2000. At the time the

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'13107 Application was filed, Rutgers, the State University of New Jersey (herein after "Rutgers") had also caused an additional 17 PCT applications to be filed directed to similar subject matter. Each of these PCT applications named Drs. Linda M. Brzustowicz and Anne S. Bassett as co-inventors.

As evidenced by the previous declaration of Drs. Brzustowicz and Bassett and copies of email communications between Dr. Brzustowicz and Mr. Vincent A. Smeraglia, Associate Director at the Office of Corporate Liaison and Technology Transfer, Rutgers, The State University, which are submitted herewith, within the last year, Drs. Brzustowicz and Bassett became aware that Rutgers had failed to file the national stage requirements for the '13107 application by December 21, 2001 thereby resulting in abandonment of the US National phase application. Dr. Brzustowicz became aware of the abandonment in January 2005 whereas Dr. Bassett was not informed of the abandonment until sometime in November of 2005.

Drs. Brzustowicz and Bassett had no intention whatsoever of abandoning the application as set forth in their Declaration attached hereto. The inventors were of the belief that the filing requirements had been met and that everything was in order with the filing.

As stated in the Declaration of Mr. Vincent Smeraglia, then an employee of Rutgers tech transfer office, in November of 2002, the undersigned was contacted and provided instructions to allow all Brzustowicz applications to lapse. These instructions were in error as it was the intention of the office and the named co-inventors to pursue the '13107 application directed to an alternative splice variant of the CAPON gene associated with schizophrenia. In addition, these instructions were given to the undersigned without communication to Drs. Brzustowicz and Bassett. This miscommunication is evidenced by copies of emails

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Request for Revival

exchanged between Dr. Brzustowicz and Mr. Smeraglia attached hereto. In November of 2005, the undersigned was made aware that Dr. Bassett had no knowledge of the abandonment of the application and moreover had been led to believe the application was pending before the USPTO. Dr. Brzustowicz, as an employee of Rutgers University, was under an obligation to assign her rights in the invention to Rutgers. However, Dr. Anne Bassett was under no such obligation as she is not employed by Rutgers nor did any agreement exist requiring her to assign her rights in the invention to Rutgers. She is a collaborator of Dr. Brzustowicz from Canada. Dr. Brzustowicz brought the original invention disclosure to the Rutgers Technology Transfer Office on behalf of the co-inventors, who agreed to pursue patent protection for this invention.

The MPEP at §711.03(c) clearly indicates that, upon a petition under 37 CFR 1.137(b) and sufficient evidence, an unintentionally abandoned international application designating the U.S. should be revived. Clearly, the facts set forth above and the Declarations attached hereto provide every indication that the abandonment of the '013107 application was unintentional on behalf of Anne S. Bassett. As mentioned above, no assignment document was executed in this case, thus the present inventors clearly hold all rights in the present invention.

**APPLICANT'S RESPONSE TO DECISION ON PETITION UNDER 37
C.F.R. 1.137(b) DATED 2 OCTOBER 2006**

At page 2 of the Decision, the Attorney Advisor makes several statements that inaccurately reflect the Applicants' position in connection with efforts to revive this application. Notably, by January 2005, Linda Brzustowicz, a Rutgers co-

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Request for Revival

inventor became aware of the abandonment of the present application. The first Declaration by Drs. Brzustowicz and Bassett inadvertently indicated that Dr. Bassett was made aware of this abandonment as of that date. As clearly indicated in her second Declaration, Dr. Anne Bassett was not told the application was abandoned until November 2005 as stated in her Declaration filed on July 12, 2006.

Vincent Smeraglia had been informed by Dr. Brzustowicz that out of the 17 patent applications filed, this particular application contained information regarding a splice variant of the capon protein that appeared to be correlated with the schizophrenia phenotype. Accordingly, it was Dr. Brzustowicz's understanding that only this particular application would be pursued and the other related applications would be allowed to lapse. Thus, no efforts were made to revive the other applications. Clearly, the email from Vincent Smeraglia to Dr. Brzustowicz of January 2005, indicates that he believed that at least one application had been kept pending.

The undersigned agrees that as to Dr. Brzustowicz and Rutgers, the State University of New Jersey, the abandonment of the application does not appear to satisfy the criteria to demonstrate unintentional abandonment. However, the facts as they relate to Anne S. Bassett clearly indicate that as to her, this application was unintentionally abandoned. In contrast to the statement in the decision, next to the box where Anne S. Bassett's name appears on the PCT request form, the box indicating that she is Applicant and Inventor is checked. Thus, Dr. Bassett's standing as an Applicant cannot be challenged. She did not "give control of the prosecution" to Rutgers as stated in this decision. She was assured by Dr. Brzustowicz at the time the application was filed that all efforts would be taken to obtain patent protection for this invention. Dr.

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Bassett did not assign her rights in the invention to Rutgers, nor was she under an obligation to do so. Given the time period it takes for an application to be filed with the PCT followed by entry into the National phases, it was not unusual that years had passed with her hearing any progress on this application. She had no reason to believe that all efforts to keep this application in force would not be taken. As stated above, it was only in connection with a review of the facts surrounding this case that revealed Dr. Bassett's lack of awareness as to the status of the application. There was no legal agreement between Rutgers and Anne S. Basset, there was no relinquishment of her control of the application to Rutgers. Accordingly, Dr. Bassett still maintains that the entire delay in filing the national stage requirements under 35 U.S.C. 371(c) at the U.S. Patent and Trademark Office from the due date for the requirements under 35 U.S.C. 371(c) until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Applicants again request the above-identified international application be revived. The necessary papers and fee for entering the US National Phase have been previously submitted.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By


Kathleen D. Rigaut, Ph.D., J.D.
PTO Registration No. 43,047

Telephone: (215) 563-4100

Enclosures

07/10/06 15:57 TEL 2155634044

Dann Dorfman Phila

002

Pat Appl No.: PCT/US01/13107

Request for Revival

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)	Examiner: n/a
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Brzustowicz, L.M. et al.)	Art Unit: n/a
)	
Serial No.: Not yet assigned)	
[Int. Appl. No: PCT/US01/13107])	
)	
Filed: April 23, 2001)	
)	
For: "METHODS AND COMPOSITIONS)	
FOR THE DIAGNOSIS OF)	
SCHIZOPHRENIA)	

SECOND DECLARATION OF ANNE S. BASSETT

I, Anne S. Bassett, hereby declare that:

I. I am a co-inventor of the invention described and claimed in PCT Patent Application Serial No.: PCT/US01/13107, (hereafter '13107 application), filed on April 23, 2001 designating the US which claims priority to U.S. Provisional Patent Application Serial No.: 60/198/987 (hereafter '987 application), which was filed on April 21, 2000.

II. The '987 and '13107 applications describe the results of studies conducted by myself and Dr. Brzustowicz on localization and characterization of genes associated with the schizophrenia phenotype. The '987 provisional application and the '13107 PCT application were both filed through the Office of Corporate Liaison and Technology Transfer at Rutgers, the State University of New Jersey (hereafter "Rutgers").

III. Rutgers was named as Applicant for all designated States except the U.S.

18/07/2006 23:39 0033049156798

PAGE 01/01

07/10/06 15:58 TEL 21556340

Dann Dorfman Phila

003

Pat Appl No.: PCT/US01/13107

Request for Revival

IV. No assignment for the '13107 application or the previous '987 provisional application, was executed, thus, I am a co-owner of the subject matter disclosed and claimed in the '13107 application. Unlike Dr. Brzustowicz, I was under no obligation to assign my rights to Rutgers as I am not employed by Rutgers.

V. It was my understanding and belief that, on my behalf, Rutgers has been active in pursuing patent prosecution of the '13107 application in the U.S.

VI. However, sometime in November 2005, I was contacted by Kathleen D. Rigaut, attorney for Rutgers, and made aware that the '13107 application became abandoned in the U.S. on December 22, 2001 as Rutgers failed to timely file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office. I had not previously been notified by either Dr. Brzustowicz or Rutgers that this application had been allowed to lapse.

VII. I never intended to abandon the invention disclosed and claimed in the '13107 application. Moreover, I was never provided the option to pursue patent protection on my own as I was under the impression that the application was proceeding normally through the USPTO. I, therefore, respectfully request that my petition for revival of this application be granted.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

10/07/2006 23:41 0033049157088
07/10/06 15:58 TEL 21556340

Dann Dorfman Phila

PAGE 01/01

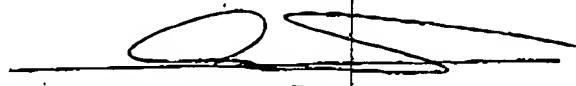
004

Pat Appl No.: PCT/US01/13107

Request for Revival

imprisonment, or both, under Section 1001 of Title 18 of the
United States Code, and that such willful statements may
jeopardize the validity of the above-referenced application or
any patent issued thereon.

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DATE


Bassett, Anne S.

Pat Appl No.: PCT/US01/13107

Request for Revival

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
)
Brzustowicz, L.M. et al.)

Serial No.: Not yet assigned)
[Int. Appl.No.:PCT/US01/13107])

Filed: April 23, 2001)

For: "METHODS AND COMPOSITIONS)
FOR THE DIAGNOSIS OF)
SCHIZOPHRENIA)

DECLARATION OF MR. VINCENT SMERAGLIA

I, Vincent Smeraglia hereby declare that:

1. I was employed by Rutgers, the State University of New Jersey (hereafter "Rutgers"), and worked as an Associate Director of Technology Transfer at its Office of Corporate Liaison and Technology Transfer (OCLTT) during the period from November 14, 1998 to April 22, 2005.

2. At and around January 20, 2000, Drs. Linda M. Brzustowicz and Anne S. Bassett disclosed to us their research results on localization of a genetic locus on chromosome 1 associated with increased prevalence of schizophrenia and genes residing in that locus. Based on these results and under our instruction, a provisional application, Serial No. 60/198,987 (hereafter, '987 application) and a PCT application, PCT/US01/13107 (hereafter, '13107 application) were filed by Dann Dorfman Herrell and Skillman P.C. at Philadelphia, on April 21, 2000 and April 23, 2001, respectively

Request for Revival

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3. Due to a clerical error at the OCLTT, our office erroneously directed Dann, Dorfman, Herrell and Skillman to allow the '13017 application along with 16 other applications directed to similar subject matter to become abandoned by not filing a Chapter II Demand nor entering the National phase at 20 months from the earliest effective priority date.

4. This failure to attend to filing of the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office was not communicated to Drs. Brzustowicz and Bassett until January of 2005.

5. As evidenced by an email dated January 10, 2005, there was some confusion at our office as to the pendency of the above-described application which we subsequently discovered had become abandoned. Clearly, this failure to file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office for the '13107 application by December 21, 2001 was due to a misunderstanding in our office and was unintentional. Accordingly, it is respectfully requested that this petition for revival of the application be granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the above-referenced application or any patent issued thereon.

1/4/205
DATE

Vincent Smeraglia
Vincent Smeraglia

Patents

Janice Nightlinger

From: Brzustowicz, Linda [Brzustowicz@Biology.Rutgers.Edu]
Sent: Tuesday, November 01, 2005 5:44 PM
To: Kate Rigaut
Subject: FW: Patents

I can see if I can find other evidence that I was under the impression that the CAPON provisional had been converted, but maybe this is a good start?

From: Smeraglia, Vincent [mailto:smeraglia@ocltt.rutgers.edu]
Sent: Monday, January 10, 2005 5:31 PM
To: Brzustowicz, Linda
Cc: Didonato, Joseph
Subject: RE: Patents

Linda:

There is a some confusion here at our office. I also originally thought we left the original patent application as well as the CAPON sequence application proceed. We did withdraw a bunch of applications from proceeding so they would not publish and we could keep our options open in terms of future filing. I can't find record of the CAPON case publishing online which may mean we can resubmit the case as well as file a third application on your newest discoveries. Let us do some digging around and give you an update.

Vince

Vincent A. Smeraglia
Associate Director, Intellectual Property
Office of Corporate Liaison and Technology Transfer
Rutgers, The State University
3 Rutgers Plaza, ASB III
New Brunswick, New Jersey 08901
Phone: (732) 932-0115, extension 3021
Facsimile: (732) 932-0146
Electronic mail: smeraglia@ocltt.rutgers.edu
Website: <http://ocltt.rutgers.edu>

1/10/2006

Pat Appl No.: PCT/US01/13107

Request for Revival

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)	Examiner: n/a
)	
Brzustowicz, L.M. et al.)	Art Unit: n/a
)	
Serial No.: Not yet assigned)	
[Int. Appl. No: PCT/US01/13107])	
)	
Filed: April 23, 2001)	
)	
For: "METHODS AND COMPOSITIONS)	
FOR THE DIAGNOSIS OF)	
SCHIZOPHRENIA)	

DECLARATION OF LINDA M. BRZUSTOWICZ AND ANNE S. BASSETT

We, Linda M. Brzustowicz, and Anne S. Bassett, hereby declare that:

I. We are the co-inventors of the invention described and claimed in PCT Patent Application Serial No.: PCT/US01/13107, (hereafter '13107 application), filed on April 23, 2001 designating the US which claims priority to U.S. Provisional Patent Application Serial No.: 60/198/987 (hereafter '987 application), which was filed on April 21, 2000.

II. The '987 and '13107 applications describe the results of our work on localization and characterization of genes associated with the schizophrenia phenotype. The '987 provisional application and the '13107 PCT application were both filed through the Office of Corporate Liaison and Technology Transfer at Rutgers, the State University of New Jersey (hereafter "Rutgers").

Pat Appl No.: PCT/US01/13107

Request for Revival

III. Rutgers was named as Applicant for all designated States except the U.S.

IV. Because no assignment for the '13107 application or the previous '987 provisional application, has been executed, we are the co-owners of the subject matter disclosed and claimed in the '13107 application.

V. It was our understanding and belief that, on our behalf, Rutgers has been active in pursuing patent prosecution of the '13107 application in the U.S.

VI. However, on or about January 10, 2005 we became aware that the '13107 application became abandoned in the U.S. on December 22, 2001 as Rutgers failed to timely file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office. See email correspondence between Dr. Brzustowicz and Mr. Vincent Smeraglia attached hereto.

VII. We never intended to abandon the invention disclosed and claimed in the '13107 application. Moreover, we were never provided the option to pursue patent protection on our own as we were under the impression that the application was proceeding normally through the USPTO. We, therefore, respectfully request that our petition for revival of this application be granted.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

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PAGE 4/4

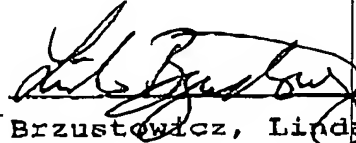
Pat Appl No.: PCT/US01/13107

Request for Revival

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the above-referenced application or any patent issued thereon.

DATE

1/11/06


Brzustowicz, Linda M.

DATE

Bassett, Anne S.

01/10/08 18:48 TEL 2155834

Dann Dorfman Phila

PAGE 02
002

Pat Appl No.: PCT/US01/13107

Request for Revival

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: n/a
Brzustowicz, L.M. et al.) Art Unit: n/a
Serial No.: Not yet assigned)
[Int. Appl. No: PCT/US01/13107])
Filed: April 23, 2001)
For: "METHODS AND COMPOSITIONS)
FOR THE DIAGNOSIS OF)
SCHIZOPHRENIA)

DECLARATION OF LINDA M. BRZUSTOWICZ AND ANNE S. BASSETT

We, Linda M. Brzustowicz, and Anne S. Bassett, hereby declare that:

I. We are the co-inventors of the invention described and claimed in PCT Patent Application Serial No.: PCT/US01/13107, (hereafter '13107 application), filed on April 23, 2001 designating the US which claims priority to U.S. Provisional Patent Application Serial No.: 60/198/987 (hereafter '987 application), which was filed on April 21, 2000.

II. The '987 and '13107 applications describe the results of our work on localization and characterization of genes associated with the schizophrenia phenotype. The '987 provisional application and the '13107 PCT application were both filed through the Office of Corporate Liaison and Technology Transfer at Rutgers, the State University of New Jersey (hereafter "Rutgers").

01/10/06 18:46 TEL 2155634

Dann Dorfman Phila

003

Pat Appl No.: PCT/US01/13107

Request for Revival

III. Rutgers was named as Applicant for all designated States except the U.S.

IV. Because no assignment for the '13107 application or the previous '987 provisional application, has been executed, we are the co-owners of the subject matter disclosed and claimed in the '13107 application.

V. It was our understanding and belief that, on our behalf, Rutgers has been active in pursuing patent prosecution of the '13107 application in the U.S.

VI. However, on or about January 10, 2005 we became aware that the '13107 application became abandoned in the U.S. on December 22, 2001 as Rutgers failed to timely file the national stage requirements (35 U.S.C. 371(c)) at the U.S. Patent and Trademark Office. See email correspondence between Dr. Brzustowicz and Mr. Vincent Smeraglia attached hereto.

VII. We never intended to abandon the invention disclosed and claimed in the '13107 application. Moreover, we were never provided the option to pursue patent protection on our own as we were under the impression that the application was proceeding normally through the USPTO. We, therefore, respectfully request that our petition for revival of this application be granted.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

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Dann Dorfman Phila

004

Pat Appl No.: PCT/US01/13107

Request for Revival

imprisonment, or both, under Section 1001 of Title 18 of the
United States Code, and that such willful statements may
jeopardize the validity of the above-referenced application or
any patent issued thereon.

DATE

Brzustowicz, Linda M.

DATE

Bassett, Anne S.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

Date of Filing:
16 January 2006

Attorney Docket No.
1594-RUT00-0084PCTA-US

U.S. Application No. (If Known)
Not yet assigned

Express Mail Label No.:
EL 997340070 US

Int'l Application No.
PCT/US01/13107

Int'l Filing Date
23 April 2001

Priority Date Claimed
21 April 2000

TITLE OF INVENTION
METHODS AND COMPOSITIONS FOR THE DIAGNOSIS OF SCHIZOPHRENIA

Applicant(s) for DO/EO/US
BRZUSTOWICZ, Linda M.; BASSETT, Anne S.


Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
 4. ☐ The US has been elected (Article 31).
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A **FIRST** preliminary amendment.
 14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 15. ☐ A substitute specification.
 16. ☐ A change of power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other items or information: - Copy of Form PCT/IB/308

U.S. Application No. Not yet assigned		International Application No. I/US01/13107		Docket No. 1594-RUT00-0084PCTA-US	
The following fees are submitted:					
21. [X] BASIC NATIONAL FEE				\$300	\$300
22. [X] Examination Fee If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)				\$100	\$200
All other situations				\$200	
23. [X] Search Fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as a International Searching Authority.				\$100	
International Search Report prepared by International Search Authority other than USPTO, but provided to Office by Applicant(s)				\$400	
All other situations				\$500	\$100
Total of 21, 22, 23				\$600	
[] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program filed in an electronic medium). Total Sheets Extra Sheets No. of each add'l 50 (round up to whole number) -100 = /50 = x \$250				\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date				\$0	
Claims	Number Filed	Number Extra	Rate		
Total Claims	20 -20	= 0	50	\$0	
Independent Claims	3 -3	= 0	200	\$0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$0	
TOTAL OF ABOVE CALCULATIONS				\$600	
[X] Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2				\$300	
SUBTOTAL =				\$300	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$0	
TOTAL NATIONAL FEE =				\$300	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$0	
TOTAL FEES ENCLOSED =				\$300	

- a. [X] A check in the amount of \$300 to cover the above fees is enclosed
- b. [] Please surcharge Deposit Account No. 04-1406 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit
any overpayment to Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO: CUSTOMER NUMBER 000110 to the attention of the individual listed below.


Kathleen D. Rigaut, Ph.D., J.D.
Registration No. 43,047

TENT COOPERATION TREATY

PCT

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

RIGAUT, Kathleen, D.
Dann, Dorfman, Herrell and Skillman
Suite 720
1601 Market Street
Philadelphia, PA 19103
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

28 September 2001 (28.09.01)

Applicant's or agent's file reference

0084KIAA0464

IMPORTANT NOTICE

International application No.

PCT/US01/13107

International filing date (day/month/year)

23 April 2001 (23.04.01)

Priority date (day/month/year)

21 April 2000 (21.04.00)

Applicant

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY et al

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:

KP, KR, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ,
DE, DK, DM, DZ, EA, EE, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP,
KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OA,
PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on under No. WO 00/00000

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

J. Zahra

Telephone No. (41-22) 338.83.38